

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Micki Bloom	Team: Team # 5	CCRB Case #: 200804104	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 03/20/2008 7:10 PM	Location of Incident: Boston Road & Bouck Avenue	Precinct: 47	18 Mo. SOL 9/20/2009	EO SOL 9/20/2009	
Date/Time CV Reported Fri, 03/21/2008 11:43 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 03/21/2008 12:21 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Michael Raso	18576	933235	047 PCT
2. SGT Louis Deceglie	00358	920188	047 PCT
3. POM Gennaro Russo	12523	935665	047 PCT
4. POM Luis Alemany	15173	900152	047 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Louis Deceglie	Force: SGT Louis Deceglie used physical force against § 87(2)(b)	
B.POM Michael Raso	Force: PO Michael Raso used physical force against § 87(2)(b)	
C.SGT Louis Deceglie	Abuse: SGT Louis Deceglie threatened § 87(2)(b) with the use of force.	
D.SGT Louis Deceglie	Off. Language: SGT Louis Deceglie made remarks to § 87(2)(b) based upon race.	
E.POM Gennaro Russo	Abuse: PO Gennaro Russo searched the car in which § 87(2)(b) was an occupant.	
F.POM Luis Alemany	Abuse: PO Luis Alemany searched the car in which § 87(2)(b) was an occupant.	
G.POM Michael Raso	Abuse: PO Michael Raso searched the car in which § 87(2)(b) was an occupant.	

### Synopsis

On March 20, 2008 at approximately 7:10 PM, § 87(2)(b) was driving eastbound on Gunhill Road in the Bronx when he was pulled over by SGT Louis Deceglie, PO Michael Raso, PO Luis Alemany and PO Gennaro Russo. After asking the officers if he was being racially profiled, SGT Deceglie allegedly grabbed § 87(2)(b) through the front window with his left hand and with his right hand pulled § 87(2)(b) by the right shoulder and collar (**Allegation A**). PO Raso also reached through the front window and grabbed § 87(2)(b)'s left hand and pulled § 87(2)(b) out of the vehicle (**Allegation B**). SGT Deceglie placed § 87(2)(b) in handcuffs and removed § 87(2)(b)'s wallet from his pocket and extracted his license. He allegedly took § 87(2)(b) around to the back of his vehicle and slammed him face down into the back of the car, saying, "You're lucky its daylight out here or I'd slam your face into this fucking glass" (**Allegation C**). An unidentified officer allegedly kicked § 87(2)(b)'s legs out from under him, causing him to fall back onto the ground. SGT Deceglie pulled up his shirt, revealing a gold badge and allegedly said, "I'm the supervisor motherfucker." He allegedly told § 87(2)(b) "Shut the fuck up or I'll kick you in your fucking face. You're nothing but a black piece of shit" (**Allegation D**). During this time, PO Russo and PO Alemany allegedly searched the interior of the vehicle, including the trunk (**Allegations E and F**). According to officer testimony, PO Raso searched the area around the front seat after § 87(2)(b) was removed from the vehicle (**Allegation G**). § 87(2)(b) was transported to the 47<sup>th</sup> Precinct and released with summonses for an unsafe lane change and disorderly conduct.

§ 87(2)(b), § 87(2)(g)

### Summary of Complaint

§ 87(2)(b) is a § 87(2)(b). He resides at § 87(2)(b). § 87(2)(b) filed this complaint via email with the CCRB on March 21, 2008 (encl.7A-7E). On April 9, 2008 he provided an official statement at the CCRB (encl.8A-8B).

On March 20, 2008 at approximately 7:10 PM, § 87(2)(b) had gotten off of work and was driving a rental vehicle eastbound on Gunhill Road in the Bronx. He approached Boston Road in the left turning lane. He looked to his left for a car dealership to which he was traveling. He observed a dark colored Chevy Impala with four white males inside pass him approximately six feet away and make a right on Gunhill Road, going in the opposite direction of his vehicle. He made eye contact with the male in the back seat on the driver's side. He knew they were police officers even though they were not in uniform.

§ 87(2)(b) observed through his rear view mirror the officers make a U-turn and pulled behind him. He made a left turn into the nearest lane onto Boston Road and signaled to move to the right lane. The car dealership was to his immediate right and he was unable to pull into it quickly enough. He therefore made a right turn onto Bouck Avenue, a residential street with private homes on both sides which also held a parking lot directly behind the car dealership. The officers pulled § 87(2)(b) over at this point and parked behind him in front of the parking lot.

All four police officers exited their vehicle and approached § 87(2)(b)'s car, two on his driver's side, one on his passenger side and the other in a location § 87(2)(b) could not see. The officer closest to § 87(2)(b)'s driver's side window was a 5'10, 195 lb plainclothes officer with dark hair, approximately 28-32 years old. This officer was identified via investigation as PO Michael Raso. The officer behind PO

Raso on the driver's side was also a 5'10, 195 lb male with dark hair between 23-32 years old, identified via investigation as SGT Louis Deceglie. The officer on the passenger side of his vehicle was a 6'1, 205 lb male with brown hair in plainclothes, between 28-34 years old, identified via investigation as PO Gennaro Russo. § 87(2)(b) could not recall what the fourth officer looked like because he did not play a large role in the incident. This officer was identified via investigation as PO Luis Alemany.

PO Raso told § 87(2)(b) to roll down all of his car windows, which he did. One of the officers asked § 87(2)(b) for his license and registration. § 87(2)(b) asked the officer what he was stopping him for and told the officer that he did not do anything. The officer repeated his request for § 87(2)(b)'s license and registration. § 87(2)(b) again asked the officer why he had been stopped and requested a supervisor respond to the scene. § 87(2)(b) was afraid of being harmed and did not understand why they were pulling him over. § 87(2)(b) turned to look at PO Russo and said, "What is this, racial profiling?" The officers became angry and hostile when he said this.

Approximately a minute later, SGT Deceglie grabbed § 87(2)(b) through the front window with his left hand by the front of his neck and with his right hand pulled § 87(2)(b) by the right shoulder and collar, breaking § 87(2)(b)'s chain and scratching his neck. He was using a force level of eight on a scale of one to 10, 10 being the maximum amount of force. PO Raso also reached through the front window and grabbed § 87(2)(b)'s left hand, which was resting on the armrest of the door. After they had already grabbed him, the officers began to tell him to get out of his vehicle. PO Raso opened the door with his right hand and pulled § 87(2)(b) out. Once the door began to open, the officers had to switch hands to get § 87(2)(b) out. He told the officers, "I'll get out, I'll get out."

PO Raso began to handcuff § 87(2)(b) by pulling his right arm around his back. § 87(2)(b) then faced PO Raso with SGT Deceglie behind him. SGT Deceglie placed § 87(2)(b) in handcuffs and placed both hands on the cuff around § 87(2)(b)'s left wrist, squeezing it as tight as it would go. § 87(2)(b) said, "Officer, I am on blood thinner, can you please loosen the cuff a bit?" SGT Deceglie told § 87(2)(b) to "shut up." After he had been handcuffed, SGT Deceglie removed § 87(2)(b)'s wallet from his pocket and extracted his license. He took § 87(2)(b) around to the back of his vehicle and slammed him face down into the back of the car. SGT Deceglie said, "You're lucky its daylight out here or I'd slam your face into this fucking glass."

PO Raso grabbed § 87(2)(b) by the back of his collar and "jerked him back." An officer – § 87(2)(b) – could not see who – kicked his legs out from under him, causing him to fall back onto the ground on top of his hands in the handcuffs. PO Russo and PO Alemany did not engage § 87(2)(b) in physical contact during the incident. § 87(2)(b) sat on the ground and again told the officers that he was on blood thinner and asked them to "please loosen the handcuffs." SGT Deceglie pulled up his shirt, revealing a gold badge, larger than a detective shield, attached to his belt, and told § 87(2)(b) "I'm the supervisor motherfucker, I'm the sergeant." SGT Deceglie paced in the street in front of § 87(2)(b) for a minute, the whole time repeating "Shut the fuck up or I'll kick you in your fucking face. You're nothing but a black piece of shit."

As this was occurring, PO Russo and PO Alemany were searching inside of § 87(2)(b)'s vehicle. They had the doors open and were searching the interior of the vehicle as well as the trunk, which they opened. They did not ask § 87(2)(b) for permission to do so. The search lasted for approximately five minutes. They did not find anything in the vehicle.

Officers identified via investigation as PO Alemany and PO Raso placed § 87(2)(b) in the back of their patrol vehicle. They drove him to the 47<sup>th</sup> Precinct station house. During this time, one of the officers said, "I bet you if it was a black officer you wouldn't have said anything." Officers identified as SGT Deceglie and PO Russo drove § 87(2)(b)'s vehicle back to the precinct. When they arrived around 7:20 PM, § 87(2)(b) was brought in front of the desk officer, a white male in an NYPD jacket. He was then placed in a holding cell where he remained for approximately 20 minutes. PO Raso gave him two summonses, the first (§ 87(2)(b) for unsafe lane change and the second (§ 87(2)(b) for disorderly conduct. § 87(2)(b) was given the \$1,500 dollars that had been in his wallet, \$232 dollars from his pocket and his cell phone. SGT Deceglie told him "No hard feelings" and allowed him to leave.

§ 87(2)(b) received injuries to his left wrist – including swelling, bleeding and bruising from the handcuffs resulting in scars that were still visible at the time of the interview – as well as scratches on his neck. He is still experiencing numbness to his hand and first went to a doctor on § 87(2)(b). He did not see a doctor at the precinct nor to his knowledge were any forms filled out for his injuries.

#### **Results of Investigation**

***PO Michael Raso, 47<sup>th</sup> Precinct, Subject Officer***

***Summonses***

PO Raso issued summonses § 87(2)(b) to § 87(2)(b) at 7:10 PM on March 20, 2008 for disorderly conduct (encl.10-11). PO Raso issued summonses § 87(2)(b) to § 87(2)(b) for unsafe lane change (encl.).

***Memo Book***

PO Raso did not have any relevant entries in his memo book regarding this incident (encl.12A-12B).

***CCRB Statement***

*PO Michael Raso is a § 87(2)(b). PO Raso was interviewed at the CCRB on April 16, 2008 (encl.13A-13C).*

On March 20, 2008 PO Raso worked in plainclothes from 5:30 PM to 5:05PM on March 21, 2008. He was assigned to an anticrime unit with PO Luis Alemany, PO Gennaro Russo and SGT Louis Deceglie. PO Raso operated the officers' unmarked patrol vehicle with PO Russo in the passenger seat, PO Alemany in the back driver's seat and SGT Deceglie in the back passenger seat. At approximately 7:10 PM, PO Raso was driving north on Boston Road, a four lane road with two lanes traveling north and two lanes traveling south. PO Raso was in the left hand lane behind a silver Dodge driven by § 87(2)(b). PO Raso observed § 87(2)(b) make a sudden right turn onto Bouck Avenue. PO Raso turned his police lights on and pulled § 87(2)(b) over on Bouck Avenue less than 50 feet off of Boston Road.

PO Raso, PO Alemany, PO Russo and SGT Deceglie – all of whom had their shields out - got out of the vehicle. PO Raso approached the driver's side in front of PO Alemany while PO Russo approached the passenger side in front of SGT Deceglie. When PO Raso was approximately five to eight feet away, § 87(2)(b) stuck his head out of the open driver's side window and screamed, "What the fuck did you pull me over for?" PO Raso moved closer to § 87(2)(b)'s vehicle and told him to roll down all of his windows. PO Raso asked for § 87(2)(b)'s license, registration and insurance card. § 87(2)(b) told him, "I'm not giving you shit until you tell me what you pulled me over for." PO Raso indicated that he would explain everything once § 87(2)(b) provided his identifying information. § 87(2)(b) told PO Raso that this was racial profiling and demanded that he call a supervisor to the scene. § 87(2)(b) then said, "No, fuck that, call a 'white shirt' to the scene," indicating that he wanted a lieutenant to respond.

PO Raso indicated with his eyes for SGT Deceglie to approach his side of the vehicle. § 87(2)(b) was "screaming so loud, you could hear him down the block." Between five and ten people gathered - some who had come from within two different houses on the street - approximately 20 to 40 yards away. Traffic was also slowing as the drivers looked to see what was going on. SGT Deceglie began to move around to the driver's side of the car. As he was doing so, § 87(2)(b) said "fuck this," and reached forward with one arm down. PO Raso believed he might be reaching under his seat for a weapon. PO Raso reached into the car with his left arm and pushed § 87(2)(b) back on his chest. PO Raso denied that he used a chokehold or constricted § 87(2)(b)'s breathing. He also denied witnessing any other officer do so. PO Raso opened the door with his right hand and in approximately five seconds physically removed § 87(2)(b) from the vehicle by grabbing his arm and his shirt. § 87(2)(b) was screaming the whole time. PO Raso denied that any other officer assisted in removing § 87(2)(b) from the vehicle.

PO Raso turned § 87(2)(b) away from him and immediately handcuffed him as he was still standing in the car door opening. PO Raso denied that he observed SGT Deceglie or another officer touch or tighten § 87(2)(b)'s handcuffs at any time. While § 87(2)(b) was standing, he complained about the handcuffs being tight and told the officers that they were hurting his wrist. PO Raso checked the handcuffs but they were not too tight. PO Raso denied that there could have been injuries resulting from the handcuffs. PO Raso at this point frisked § 87(2)(b) for weapons. § 87(2)(b) was "irate," just like he was acting throughout the duration of the stop, but was not physically struggling. PO Raso physically removed § 87(2)(b)'s wallet but could not remember from where. PO Raso then walked § 87(2)(b) to the back of the vehicle and, along with SGT Deceglie, immediately sat him down behind the vehicle. PO Raso denied that § 87(2)(b) was slammed down onto the back of the vehicle. PO Raso denied hearing an officer say "You're lucky its daylight out here or I'd slam your face into this fucking glass." He also denied that he or another officer threatened § 87(2)(b) with force and denied hearing another officer speak discourteously or use the word "motherfucker." PO Raso denied hearing an officer use the term "black piece of shit" or other racially offensive language.

PO Alemany, PO Russo and SGT Deceglie remained standing with § 87(2)(b) as PO Raso returned to § 87(2)(b)'s vehicle. He conducted a search of the "lunge-able, grab-able area" of the

vehicle to see if there was a weapon. He specified that he searched under the driver's seat, in the side console area and right behind the driver's seat. PO Raso did not find anything and did not remove anything from the vehicle. PO Raso was the only officer to search any part of the vehicle. The search lasted less than a minute. When he was done, PO Raso returned to the back of the vehicle. § 87(2)(b) began to apologize to the officers and told them that he was having a bad day because he caught his girlfriend cheating on him. PO Raso explained to him that he had unnecessarily escalated the situation and that he was going to bring § 87(2)(b) back to the precinct to issue him summonses. He made the decision to bring § 87(2)(b) back to the precinct in case he started "acting up more." PO Raso could not recall who drove § 87(2)(b) back to the precinct.

§ 87(2)(b) was brought in front of the desk officer at the station house. He had relaxed and was calm at this point. § 87(2)(b) was searched and the officers inventoried any property that he had on him. He was brought to a holding cell and his handcuffs were removed. The officers recorded § 87(2)(b)'s pedigree information in the command log and conducted a warrant check. PO Raso completed two summonses, one for unsafe lane change and the other for disorderly conduct. PO Raso also filled out a stop and frisk report to explain why § 87(2)(b) had been handcuffed. He gave § 87(2)(b) the summonses and allowed him to leave. § 87(2)(b) then again apologized to PO Raso.

***SGT Louis Deceglie, 47<sup>th</sup> Precinct, Subject Officer***

***Memo Book***

SGT Deceglie did not have any relevant entries in his memo book regarding this incident (encl.14A-14B).

***CCRB Statement***

*SGT Louis Deceglie is a § 87(2)(b). SGT Deceglie was interviewed at the CCRB on May 7, 2008 (encl.15A-15C). His statement was largely consistent with that provided by PO Raso – any variances or additional information is recorded below.*

On March 20, 2008 SGT Deceglie worked from 5:26 PM to 2:10 AM. SGT Deceglie did not personally observe § 87(2)(b)'s traffic infraction because he was sitting in the backseat of the vehicle and was not really paying attention. PO Raso informed the other officers that he was going to pull § 87(2)(b) over. § 87(2)(b) pulled his vehicle over on the right side of Bouck Road approximately twenty feet off of Boston Road. When the officers approached, § 87(2)(b) had his window down and had music playing loudly. § 87(2)(b) was screaming over the music from the time the officers exited their vehicle, saying "what the fuck, you fucking guys." PO Raso requested his license and registration a couple of times, which § 87(2)(b) did not provide. When § 87(2)(b) accused the officers of racial profiling, none of the officers responded.

SGT Deceglie noted that he did not actually see § 87(2)(b) reach under his seat because he was at the back of the vehicle at the time. SGT Deceglie looked up from his position at the back of the vehicle, approximately five feet away, and observed PO Raso open § 87(2)(b)'s door and remove him from the vehicle. This took a couple of seconds and PO Raso held § 87(2)(b) by his arm and shoulder. § 87(2)(b) was moving his shoulders and cursing but was not resisting otherwise. SGT Deceglie personally checked § 87(2)(b)'s handcuffs by placing his thumb and pointer finger around the inside of the cuffs. By doing this, he confirmed that the handcuffs were not too tight. SGT Deceglie stated that handcuffs could "put gashes in your wrists" if one is moving around with them in place. He added that § 87(2)(b) was moving around. Asked if any other officer touched § 87(2)(b)'s handcuffs, he said "not that I remember."

PO Raso and PO Alemany brought § 87(2)(b) back to the precinct while SGT Deceglie and PO Russo transported his vehicle. By the time SGT Deceglie arrived at the precinct, § 87(2)(b) had already been brought to the back cells. The next time he saw § 87(2)(b) was when he was brought to the front desk to be issued summonses for making an illegal right turn and disorderly conduct. § 87(2)(b) told SGT Deceglie that he wanted to apologize and that he had been wrong. SGT Deceglie said "no hard feelings."

***PO Luis Alemany, 47<sup>th</sup> Precinct, Subject Officer***

***Memo Book***

PO Alemany did not have any relevant entries in his memo book regarding this incident (encl.16A-16B).

#### *CCRB Statement*

PO Luis Alemany is a § 87(2)(b). PO Alemany was interviewed at the CCRB on May 20, 2008 (encl.17A-17C). PO Alemany's statement was consistent with those provided by the other officers. Any additional information is recorded below.

On March 20, 2008 PO Alemany worked from 8:00 AM to 4:35 PM. He was originally assigned to court but returned to the precinct at approximately 9:30 AM and from there was assigned to an anti crime patrol along with PO Michael Raso, PO Gennaro Russo and SGT Louis Deceglie. PO Alemany denied hearing § 87(2)(b) state that the handcuffs were too tight. PO Alemany did not witness any officers search or frisk § 87(2)(b). PO Alemany denied that the trunk of the vehicle was ever opened and did not witness any other part of the vehicle searched besides the front seat area. PO Alemany denied that he ever searched the car in any way.

#### ***PO Gennaro Russo, 47<sup>th</sup> Precinct, Subject Officer***

##### *Memo Book*

PO Russo did not have any relevant entries in his memo book (encl.18A-18B).

##### *CCRB Statement*

PO Gennaro Russo is a § 87(2)(b). PO Russo was interviewed at the CCRB on September 2, 2008 (encl.19A-19C). His statement was consistent with those provided by the other officers. Additional information is noted below.

On March 20, 2008 PO Russo worked from 5:30 PM to 2:05 AM in an unmarked blue Crown Victoria. At approximately 7:10 PM, PO Russo was sitting in the front passenger seat when both he and PO Raso observed the driver of a Dodge Avenger make a right turn in front of them from the left lane of Boston Road. The intention of the officers at this point was to speak to § 87(2)(b) and issue him a summons for the traffic infraction. PO Russo confirmed that it is routine for himself and his team to conduct car stops for vehicle and traffic violations when assigned to their particular post. PO Russo could not recall whether § 87(2)(b)'s windows were already down when they approached the vehicle. § 87(2)(b) kept yelling, 'Why am I being pulled over?'" PO Alemany assisted PO Raso in opening § 87(2)(b)'s door and removing him from the vehicle. The officers did not give § 87(2)(b) verbal commands to exit the vehicle before they physically removed him. PO Russo did not hear § 87(2)(b) mention that his handcuffs were too tight.

#### **Medical Records**

On April 15, 2008 § 87(2)(b) was treated at § 87(2)(b) in the Bronx by § 87(2)(b). He was prescribed painkiller OxyContin. Left wrist trauma is noted (encl.20A-20E).

#### **Police Documents**

##### ***47<sup>th</sup> Precinct Command Log (encl.22)***

PO Raso entered § 87(2)(b)'s arrest in the command log at 7:30 PM. § 87(2)(b)'s physical and mental condition is listed as apparently normal. His charge is listed as disorderly conduct.

##### ***47<sup>th</sup> Precinct Roll Call (encl.21A-21J)***

SGT Deceglie is listed as the anticrime supervisor. PO Russo, PO Raso and PO Alemany are listed as the anticrime team.

#### **Civilian CCRB History**

This is the first case § 87(2)(b) has filed with the CCRB (encl.6).

#### **Police Officer History**

PO Alemany has been a member of the NYPD for 16 years. To date, he has no substantiated allegations (encl.5A-5B). SGT Deceglie has been a member of the NYPD for 10 years. To date, he has no substantiated allegations with the CCRB (encl.3A-3B). PO Raso has been a member of the NYPD for 5

years. To date, he has no substantiated allegations with the CCRB (encl.2A-2B). PO Russo has been a member of the NYPD for 4 years. To date, he has one substantiated allegation with the CCRB. In case #200715233, charges were recommended for a substantiated vehicle search allegation. The NYPD disposition is not yet available (encl.4).

§ 87(2)(b)

#### Disposition of Summons

The dispositions of § 87(2)(b)'s summonses are not available.

#### Conclusions and Recommendations

#### Officer Identification

SGT Deceglie also confirmed his role in removing § 87(2)(b) from the vehicle, handcuffing him and placing him at the back of the vehicle. **Allegations A, C and D** are therefore pled against him. PO Raso is identified via name and badge number on the summonses issued to § 87(2)(b) and confirmed in his statement that he was the officer to initially speak to § 87(2)(b) during the car stop and assist in removing him from the vehicle. PO Raso also testified that he searched § 87(2)(b)'s vehicle. **Allegations B and G** are thus pled against him. § 87(2)(b) indicated that the other two officers present – PO Russo and PO Alemany – searched his vehicle and therefore **Allegations E and F** are pled against them.

#### Allegations Not Pled

§ 87(2)(b) alleged that SGT Deceglie used profanity towards him while allegedly threatening him with physical force and making offensive comments regarding his race; because of this, the discourtesies are not treated as separate allegations but as part of the threat of force and offensive language.

#### Disputed and Undisputed Facts

It is undisputed that on March 20<sup>th</sup>, 2008 at approximately 7:10 PM, PO Raso, PO Russo, PO Alemany and SGT Deceglie pulled § 87(2)(b)'s vehicle over in the vicinity of Boston Road and Bouck Avenue in the Bronx. The officers approached § 87(2)(b)'s vehicle and after some interaction, § 87(2)(b) was physically removed from the vehicle by SGT Deceglie and PO Raso. § 87(2)(b) was handcuffed and taken to the rear of his vehicle, where he was placed on the floor while a search of some sort was conducted on the vehicle. § 87(2)(b) was then transported back to the 47<sup>th</sup> Precinct station house from where he was released a short time later with two summonses; the first for an unsafe lane change and the second for disorderly conduct.

In dispute is the nature leading up to § 87(2)(b)'s removal from the vehicle as well as whether SGT Deceglie grabbed § 87(2)(b)'s neck in the process. Whether SGT Deceglie threatened § 87(2)(b) spoke obscenely and made offensive remarks based on § 87(2)(b)'s race is also in dispute.

Finally, which officers searched § 87(2)(b)'s vehicle – and where in the vehicle the search occurred – is in dispute.

§ 87(2)(g)

[REDACTED]

[REDACTED]



***Allegation A: SGT Louis Deceglie used physical force against § 87(2)(b)***

§ 87(2)(g)

***Allegation B: PO Michael Raso used physical force against § 87(2)(b)***

§ 87(2)(b)'s behavior from the moment his vehicle was stopped – screaming, using profanity, refusing to comply with PO Raso's repeated requests to provide his driver's license – combined with the action of reaching forward with one arm after stating, "fuck this," understandably elevated PO Raso's suspicion that § 87(2)(b) had a weapon. § 87(2)(b), § 87(2)(g)

***Allegation C: SGT Louis Deceglie threatened § 87(2)(b) with the use of force.***

***Allegation D: SGT Louis Deceglie made remarks to § 87(2)(b) based upon race.***

§ 87(2)(b), § 87(2)(g)

***Allegation E: PO Gennaro Russo searched the car in which § 87(2)(b) was an occupant.***

***Allegation F: PO Luis Alemany searched the car in which § 87(2)(b) was an occupant.***

§ 87(2)(g)

***Allegation G: PO Michael Raso searched the car in which § 87(2)(b) was an occupant.***

§ 87(2)(g)

§ 87(2)(b). *New York Search and Seizure* (encl.1A-1B) notes that "the police may search a vehicle and any containers found inside when they have probable cause to believe it contains contraband, a weapon or evidence of a crime. Probable cause to search may exist in one of two situations. Initially, the circumstances that give rise to probable cause may be *independent* from an arrest and, in fact, may exist *before* any arrest is made. Second, the circumstances that supply probable cause to arrest an occupant of a car may also give the police probable cause to believe that the vehicle contains a weapon, contraband or evidence of a crime." § 87(2)(b)'s actions - screaming profanities at the officers, refusing to provide PO Raso with his identification and reaching forward and downward with one arm after stating, "Fuck this" – reasonably indicated to PO Raso that § 87(2)(b) was in possession of a weapon. § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: